REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 20, 2006. At the time of the Office Action, Claims 26-45 were pending in the Application. Claims 26-45 were rejected. Applicant respectfully requests reconsideration and favorable action in this case.

Section 103 Rejections

Claims 26-37, 39-42, 44, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,710,591 issued to Bruno et al. (*"Bruno"*) in view of Cohen et al., "Virtual Gain for Audio Windows," IEEE 1993 (*"Cohen"*). Applicant respectfully traverse these rejections for the reasons stated below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or proposed by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). Applicant respectfully submits that each and every element of Claims 26-37, 39-42, 44, and 45 is not found within the references cited by the Examiner.

Claim 26 recites:

> An audio conferencing method comprising:
> receiving audio data from a source audio client;
> attenuating the received audio data based on audio decay characteristics to simulate a distance between the source audio client and a target audio client, wherein each audio client is assigned a selected decay function from a plurality of predefined decay functions; and
> delivering the attenuated audio data to the target audio client.

Applicant submits that the *Bruno-Cohen* combination suggested by the Examiner fails to teach, suggest, or disclose each of these elements. For example, the *Bruno-Cohen* combination fails to teach, suggest, or disclose that "each audio client is assigned a selected decay function from a plurality of predefined decay functions." Instead, the portion of *Cohen* relied upon by the Examiner discloses a single virtual gain function, $gain_{MAW}$, that is used by each audio client. *See Cohen*, §§ 1.0-1.5. This single gain function, $gain_{MAW}$, is composed of a plurality of dimensionless components: source gain, sink gain, $gain_{dist}$, and $gain_{dir}$ (*Cohen*, § 1.0), that are "combine[d] multiplicatively with equal weighting" to yield $gain_{MAW}$ (*Cohen*, § 1.4). As such, the virtual gain function, $gain_{MAW}$, is composed of -- not selected

from -- a plurality of predefined decay functions. For at least this reason, the rejection of Claim 26 is improper.

Despite this fact, the Examiner maintains that "each audio client is assigned a selected decay function from a plurality of predetermined functions (transferring data to multiple audio resources and letting listeners [alter] parameters among teleconferees using size and source dependent gains as functions, see pages 85-88)." Office Action, Response to Arguments, p. 7. The Examiner, however, misinterprets the reference. As discussed above, the audio clients are not assigned a selected decay function from a plurality of predetermined decay function. Instead, the "size and source dependent gain functions" identified by the Examiner are merely components of the virtual gain function, $gain_{MAW}$. Additionally the fact that the listeners may alter various parameters, such as size and position, does not teach, suggest, or disclose that "each audio client is assigned a selected decay function from a plurality of predetermined decay functions." Instead, this merely teaches that different listeners may be located at different points along the same virtual gain function, $gain_{MAW}$. As such, *Cohen* fails to teach, suggest, or disclose that "each audio client is assigned a selected decay function from a plurality of predetermined decay functions." For at least this reason, the rejection of Claim 26 is improper. Therefore, Applicant respectfully requests that the rejection of Claim 26 be withdrawn.

Similar to Claim 26, Claim 44 recites computer software comprising instructions for causing a computer processor to "attenuate the received audio data based on audio decay characteristics . . . wherein each audio client is assigned a selected decay function from a plurality of predefined decay functions." Therefore, Applicant submits that Claim 44 is allowable, for example, for reasons similar to those discussed above with regard to Claim 26. As such, Applicant respectfully requests that the rejection of Claim 44 be withdrawn.

Claims 27-37, 39-42, and 45 depend, directly or indirectly, from Claim 26. Therefore, Applicant submits that Claims 27-37, 39-42, and 45 are allowable, for example, for reasons similar to those discussed above with regard to Claim 26. As such, Applicant respectfully requests that the rejections of Claims 27-37, 39-42, and 45 be withdrawn.

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* and *Cohen* in view of U.S. Patent No. 5,452,447 issued to Nelson, et al. ("*Nelson*"). Claim 38 depends from Claim 26. Therefore, Applicant submits that Claim 38 is allowable, for

example, for reasons similar to those discussed above with regard to Claim 26. As such, Applicant respectfully requests that the rejection of Claim 38 be withdrawn.

Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bruno* and *Cohen* in view of U.S. Patent No. 5,864,816 issued to Everett ("*Everett*"). Claim 43 depends from Claim 26. Therefore, Applicant submits that Claim 43 is allowable, for example, for reasons similar to those discussed above with regard to Claim 26. As such, Applicant respectfully requests that the rejection of Claim 43 be withdrawn.

8

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant believes no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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